

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743

ATTACHMENT NO. 2**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

Title 8, Chapter 4, Subchapter 6, Article 7, Section 3011(d), Article 20, Section 3120.1, and
Article 22, Section 3122.0, Elevator Safety Orders;

and

Title 24, Part 7, Article 7-7, Section 7-3011, Article 7-20, Section 7-3120.1, and Article 7-22,
Section 7-3122.0, California Elevator Safety Construction Code

Elevator Access Keys**SUMMARY**

Section 3011(d) of the Elevator Safety Orders (ESO) requires that elevator machine rooms and enclosures be secured against unauthorized access. To comply with this security requirement, doors that provide access to machine rooms and enclosures are key locked by the elevator owner or elevator management firm contracted by the building owner.

Currently, no regulation in the ESO stipulates where the door keys should be kept. Often, the keys are kept in the building manager's office or in a building off site from where the elevators are located, such as the office of the elevator contractor that services the elevators.

It is essential that the keys be readily available for the Division elevator inspectors since they need to access the machine rooms and enclosures to inspect the elevator machinery and control equipment during the annual inspection to issue the permit to operate.

To address the Division's concern as to where the keys are kept, the Division proposes revisions to Sections 3011, 3120.1, and 3122.0 of the ESO. The revisions will require that the keys for the machine rooms and enclosures be kept in a designated location in the elevator pit. The elevator pit is the most logical location since elevators covered by this proposal have a pit area accessible to Division inspectors and other authorized elevator maintenance personnel.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

This Initial Statement of Reasons contains occupational safety and health regulations that are building standards for codification in Title 24, Part 7, California Elevator Safety Construction Code. The building standards are herein identified by their Title 24 section number in **bold** type.

Section 3011. Machine Rooms and Machinery Spaces.
Subsection (d)(1)(D)

Proposed subsection (d)(1)(D) specifies that keys to unlock the elevator access doors shall be kept in the elevator pit. The keys shall be properly identified and located near the pit stop switch and shall be accessible from the pit access door. In buildings with banks of multiple elevators the keys shall be kept in the elevator pit of the elevator with the lowest state identification number.

(Title 24, Part 7, Section 7-3011)

Subsection (d)(1)(D) is necessary to designate a location where the keys shall be kept for elevators installed prior to October 25, 1998. The Division elevator inspectors need to be able to go to the designated location to obtain the key to readily access the machine rooms or enclosures before a permit to operate the elevator is issued when conducting the yearly elevator inspections. Currently, time expended in locating and obtaining the keys from various building sites where the keys may be kept delays the inspection process.

Section 3120.1. Machine Rooms and Machinery Spaces.
Subsection (a)

The proposal adds the requirements specified in Section 3011(d)(1)(D) to the list of requirements that electric elevators must comply with if installed after October 25, 1998. Section 3011(d)(1)(D) specifies that keys to unlock the access doors shall be kept in the elevator pit. The keys shall be properly identified and located near the pit stop switch accessible from the pit access door. In buildings with banks of multiple elevators the keys shall be kept in the elevator pit of the elevator with the lowest state identification number.

(Title 24, Part 7, Section 7-3120.1)

The proposal is necessary to prescribe that the door key requirements specified in new Section 3011(d)(1)(D) also apply to electric elevators installed after October 25, 1998. Also, see the necessity statement for Section 3011(d)(1)(D).

Section 3122.0. Hoistway, Hoistway Enclosures, and Related Construction.
Subsection (a)

The proposal adds the requirements specified in Section 3011(d)(1)(D) to the list of requirements that hydraulic elevators must comply with if installed after October 25, 1998. Section 3011(d)(1)(D) specifies that keys to unlock the access doors shall be kept in the elevator pit. The keys shall be properly identified and located near the pit stop switch and shall be accessible from the pit access door. In buildings with banks of multiple elevators the keys shall be kept in the elevator pit of the elevator with the lowest state identification number.

(Title 24, Part 7, Section 7-3122.0)

The proposal is necessary to prescribe that the door key requirements specified in new Section 3011(d)(1)(D) also apply to hydraulic elevators installed after October 25, 1998. Section

3011(d)(1)(D) specifies that keys to unlock the access doors shall be kept in the elevator pit. The keys shall be properly identified and located near the pit stop switch and shall be accessible from the pit access door. In buildings with banks of multiple elevators the keys shall be kept in the elevator pit of the elevator with the lowest state identification number. Also, see the necessity statement for Section 3011(d)(1)(D).

DOCUMENTS RELIED UPON

None.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Cost or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private persons or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Saving Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.